



Landlord and Tenant Fact Sheet

RTB-130

Direct Request for an Order of Possession due to Unpaid Rent or Utilities

A Direct Request is a limited expedited procedure for obtaining an Order of Possession when the tenant has not paid the rent or utilities. In the application, the landlord may include a request for a Monetary Order limited to the amount of outstanding rent and utilities with evidence to support the amount due.

Landlords may choose to apply through the participatory hearing procedure if they:

- wish to recover the filing fee; or,
- want permission to keep all or part of a security or pet damage deposit to offset a debt.

Decisions will be made based on written documentation only. A participatory hearing will not be held as provided by the *Residential Tenancy Act* section 55(4) and *Manufactured Home Park Tenancy Act* section 48(4).

An adjudicator may dismiss the matter with or without leave to reapply, or may schedule a participatory hearing if all supporting documents are not attached, or if the adjudicator has questions regarding the contents of the documents, or is unable to make a decision due to unclear or missing documents.

Documentation required

- *Application for Dispute Resolution by Direct Request* (form RTB-12LDR or online application).
- *Direct Request Worksheet* (form RTB-46) providing a detailed calculation of unpaid rent or utilities only. **Claims other than unpaid rent or utilities cannot be accepted.**
- A copy of the *10 Day Notice to End Tenancy* (form RTB-30) which includes the Direct Request explanation.

- A copy of the completed *Proof of Service Notice to End Tenancy* (form RTB-34).
- A copy of the tenancy agreement (including the addendum if there is one).
- When payment for utilities is required, a copy of the written demand informing the tenant of the amount and due date, a copy of related utility bills, and proof of service of the written demand for utilities.
- A copy of all Notices of Rent Increase since the tenancy began, if rent has increased.
- If any rent was received after the *10 Day Notice to End Tenancy* was issued, a copy of any receipts issued to the tenant.
- A copy of this Fact Sheet (RTB-130).

Possible outcomes

- An Order of Possession may be granted.
- An Order of Possession and Monetary Order related to the unpaid rent or utilities only may be granted.
- The application may be diverted to the participatory hearing procedure.
- The application may be dismissed with or without leave to reapply.

A note on utilities

When unpaid utilities prompt a Direct Request application, the landlord must provide:

- a copy of the tenancy agreement showing the tenant is responsible for paying utility charges to the landlord; and
- a copy of their written demand for payment of utilities. The demand must be dated and state the amount that is due. After receiving the demand letter, the tenant has 30 days to pay the outstanding utilities before the landlord can issue a valid *10 Day Notice to End Tenancy for Unpaid Rent or Utilities* (form RTB-30) that includes a claim for unpaid utilities.

The beginning:

1. The tenant does not pay the rent or utilities.
2. The landlord serves the tenant a *10 Day Notice to End Tenancy for Unpaid Rent or Utilities* (form RTB-30).
3. If the tenant pays the rent/utilities in the first five days after receiving the notice, or applies to dispute the *10 Day Notice to End Tenancy for Unpaid Rent or Utilities* the landlord cannot use the Direct Request procedure.
4. If the tenant does neither and at least five days have passed from the date the *10 Day Notice to End Tenancy for Unpaid Rent or Utilities* is considered received, the landlord can submit an *Application for Dispute Resolution by Direct Request* (form RTB-12LDR) or an online application for dispute resolution by direct request.

Direct Request procedure:

1. The landlord must submit an *Application for Dispute Resolution by Direct Request* (form RTB-12LDR or online application).
2. The landlord must provide all required documentation and pay the filing fee.
3. RTB reviews the application along with all required documents.
4. The RTB provides the landlord with documents for the direct request.
 - *Notice of Direct Request Proceeding*: The notice includes important information that must be served to each tenant.
 - *Proof of Service Notice of Direct Request Proceeding* (form RTB-44).

- For online applications, these may be emailed; for in-person applications, they will be provided by the RTB or Service BC office.
5. The landlord must serve a Notice of Direct Request Proceeding package on each tenant within three days of it being issued by the RTB. The package must include all of the following: *Notice of Direct Request Proceeding*; a copy of the application; **all required supporting documents**; and a copy of this fact sheet.
 6. The landlord completes the *Proof of Service Notice of Direct Request Proceeding* for each tenant confirming when and how the *Notice of Direct Request Proceeding* and supporting documents were served.
 7. The landlord faxes the *Proof of Service Notice of Direct Request Proceeding* for each tenant to the number on the form or submits it personally to the RTB or Service BC office.
 8. RTB reviews the application and documentation and makes a decision.
 9. RTB mails the decision and if applicable, Orders, to the landlord. If requested, the material can also be faxed.
 10. RTB mails the decision to the tenant.
 11. If the landlord is to proceed with the eviction, the landlord must serve the Order of Possession and/or Monetary Order on the tenant.
 12. If the Order(s) are served and the tenant does not comply, the landlord may enforce the Order(s) through the court system.

For more information...**Office Locations:**

Burnaby: 400-5021 Kingsway

[Contact us](#) for office hours

Any [Service BC Office](#)

Public Information Lines:

1-800-665-8779 (Toll free)

Greater Vancouver: 604-660-1020

Victoria: 250-387-1602

Email: HSRTO@gov.bc.ca

Website: www.gov.bc.ca/landlordtenant